

## III. Claims drawn to FIG. 15.

The Examiner has asserted that claims 9, 37 and 54 are generic, and has requested the Applicants to identify claims belonging to the remaining groups. Applicants hereby assert that of the asserted generic claims, only claims 9 and 54 are indeed generic. In response to the Examiner's request, Applicants hereby identify the following claims for each of the above-identified groups:

Group I: 9-13, 26, 28, 48, 49, 54-58, 71-74, 93, 94, 110-112, 125 and 132.

Group II: 1-135.

Group III: 1-13, 18-28, 46, 47-49, 54-62, 67-74, 87-88, 91-94, 101-103, 107-112, 122, 124, 125, 129, 131, 132.

Applicants hereby elect for prosecution the invention as described in Group II, with traverse. Applicants' traversal is based on the fact that the claims of supposedly distinct species of invention are merely different ways of claiming essentially similar features of the triangular, honeycomb and Kagome lattice structures. The groups of claims identified above each define an imaginary polygonal unit cell in various orientations with respect to primary elements (see FIGS. 10, 12 and 14). For example, in the triangle lattice corresponding to FIG. 11, the unit cell is a polygon having a primary element at its center. The honeycomb lattice of FIG. 13 defines a unit cell including a primary element

at each of its vertices. The Kagome lattice of FIG. 15 defines a polygonal unit cell as having primary elements disposed at substantially the center of each side of the unit cell. The claims then describe the relationship of primary, secondary and elongated elements with respect to each of these imaginary unit cells. Regardless of the definition of the imaginary unit cell, the structures in each of the asserted species are sufficiently similar in other regards so as to make them difficult to group into separate species. This is demonstrated by the fact that a large number of claims belong to all three groups suggested by the Examiner and that indeed, all claims correspond to group II. Accordingly, reconsideration and withdrawal of the restriction/election requirement is respectfully requested.

The Examiner is requested to telephone applicant's undersigned counsel at the number noted below if it will advance the prosecution of this application.

The Assistant Commissioner of Patents is hereby authorized to charge any further fees that are properly assessable in this case or to credit any overpayment to Deposit Account No. 13-4500, Order No. 3701-4000.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

By:   
Charles A. Rattner  
Attorney for Applicants  
Registration No. 40,136

Dated: October 5, 2001

MORGAN & FINNEGAN, L.L.P.  
345 Park Avenue  
New York, New York 10154  
(212) 758-4800  
(212) 751-6849 (Fax)